

BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING 447
DECEMBER 2, 2009 – WORK SESSIONS

Public Works
Summary Minutes

Work Session was held between the County Commissioners and Public Works on Wednesday, December 2, 2009, at 9:05 a.m., in the Island County Annex Building, Commissioners' Hearing Room, B-102, Coupeville, WA. Present were:

County Commissioners: John Dean, Chair
Helen Price Johnson, Member
Angie Homola, Member

Staff: Pam Dill

Staff Present: Bill Oakes, Steve Marx, Jerry Mingo, Dave Bonvouloir, Bryant Mercil, Randy Brackett, Jack Taylor

Others Present: Elaine Marlow

(Record Part 1 @ :40)

Solid Waste

Subject: Yard Waste Composting Services Contract for Camano Island

Attachment: Memorandum

Proposed Action: Yard waste has been accepted at the Camano Island Transfer Station since May of 2009, and transported to a nearby commercial composting facility. The quantity of yard waste brought to the station, however, has exceeded expectations. The cost of having the collected material processed and composted into a marketable product will exceed the \$5,000 limit of the purchase order issued.

Bill requested approval for a General Services contract for composting services to be prepared for up to \$15,000 per year.

Follow Up: Okay with Board.

Roads

Subject: Weekday closure of Simonson Place & Cavalero County Park: Nov. 30-Dec. 18, 2009; WO 94 Simonson Place Roadway Improvements

Attachment: none

Information: Construction of a wire mesh wall to stabilize a very steep bluff access. Follow on drainage project next year. The boat launch will be inaccessible during the closure.

Follow Up: Information only.

Public Works

Subject: Bid Award Recommendation – CV Solid Waste Transfer Station Expansion

Attachment: none

Information: The County solicited competitive bids for the Coupeville Solid Waste Transfer Station expansion. Thirteen bidders submitted bids. The identical lowest bid amount was submitted by two responsible bidders. The statute has no provision regarding bids that are tied as the lowest bids.

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WSDOT 2010 Standard Specifications Manual has a process that uses a chance drawing between the two bidders to determine the winning bidder. Bill will be sending the two lowest bidders a letter of agreement to the process. If they do not agree to the tie breaking process, it is Dave Jamieson's recommendation that the County should reject all bids

Follow up: Information only.

Subject: DD No. 1 Letter Response

Attachment: Useless Bay Pump Station & Channel Improvements – Wall Plan and Elevation

Information: Bill responded to the Diking District clarifying that he did not certify how they are maintaining the levels in the ditch and operating their system. He did go out and verify the constructed elevations of the weir, both as a courtesy to the regulators and to the community, and determined that it was built generally to specifications.

The regulators issues with Diking District #1 are with their operations and maintenance of the system and those are the responsibility of the Diking District. The County has fulfilled the terms of the contract and has no further contractual responsibility to Diking District #1

Parks

Subject: Deer Lake/Lot 40 Donation to County Parks

Attachment: Briefing Memo, Account Summary Snapshot & Photos

Proposed Action: Donation of property at Deer Lake to Island County. The County has a right-of-way easement across the property; current road setbacks prohibit building on the property and the lot is too small for a septic system. Property taxes are approximately \$181.00 per year. Parks would use the property as a parking lot for trucks and trailers that launch their boats at Deer Lake.

Follow up: Okay with Board to pursue property.

Subject: Slip Rental Fee Increase & Boat Launch Fee

Attachment: Briefing Request Memo

Proposed Action: Request to increase annual slip rental fee for Cornet Bay Dock. Last fee increase was three years ago. The increase would generate approximately \$2,000 more annually.

Standard Slip – all low tides will ground the vessel \$350 –Proposed increase \$400

Premium Slip - extreme low tides will ground the vessel \$400 – Proposed increase \$450

Okay with Board.

Request to institute a boat launch fee of \$5.00 for residents and \$10 for non-residents at the following parks. Annual pass for residents \$40 and non-residents \$80 - Honor system deposit box

- Dave Mackie Park
- Freeland Park
- Mutiny Bay Boat Launch
- Monroe's Landing
- Hastie Lake
- Maple Grove Boat Launch
- Cavalero Beach Park
- Utsalady Beach Boat Launch

Bill Oakes noted that revenue from the fee could be used for replacement/repair of the ramps.

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Commissioner Price Johnson noted the need to discuss the fee with the Port of South Whidbey.

Follow up: The Board generally supported a boat launch fee but would like staff to check with other jurisdictions where it has been implemented successfully and report back to them.

Surface Water

Subject: KPG – Supplemental Agreement No. 4

Attachment: Supplemental Agreement No. 4

Proposed Action: Supplemental Agreement No. 4 – KPG, Inc.; On-Call Civil Services Agreement; Completion date revised to December 31, 2011; Maximum Amount Payable increased to

\$450,000.00 (RM-PW-09-0469)(PW-0920-163)

Follow up: Okay with Board.

**Planning & Community Development
Summary Minutes**

Work Session was held between the County Commissioners and the Planning Department on Wednesday, December 2, 2009, at 10:30 a.m., in the Island County Annex Building, Commissioners' Hearing Room, B-102, Coupeville, WA. Present were:

County Commissioners: John Dean, Chair	Staff: Pam Dill
Helen Price Johnson, Member	
Angie Homola, Member	

Staff Present: Bob Pederson, Paula Bradshaw, Brandon Sweeza

Others Present: Elaine Marlow, Pat Powell, WCLT, Dave Mattens, Assessor, Gary Bur, Bill Oakes, George Anne Sherry, Marianne Edain, Judy Feldman, Jessie Stensland
“Whidbey News Times”

(Record Part 1 @1:25:20)

Subject: Open Timber tax classification program and process (continued from 11/4/09)

Attachments: Memorandum dated 12/2/09 from Brandon Sweeza, to BOCC

Proposed Action: Planning staff reviewed with the Board the process for moving property from current use to the Open Timber classification. Planning currently has three pending Open Timber applications that will be before the Board for approval on December 28, 2009. Commissioner Homola wanted to be sure that the applicants were going to receive close scrutiny as to the commercial nature of their application and management plan.

Dave Mattens, Assessor, provided the Board with information on the number of properties in the various tax exempt programs and the resulting tax shift.

Judy Feldman, WSU Extension, noted that she spoke with Andy Perleberg, Forester with WSU, who indicated his willingness to come and talk with the Board about the open timber program.

Follow up: Bring back for further discussion at the December 9, 2009 work session.

Subject: 2010-2012 Planning Commission Docket

Attachment: Proposed Resolution

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Proposed Action: Resolution C-150-09 PLG-024-09 In the Matter of Authorizing the Planning & Community Development Department to Proceed with Simultaneous Updates to the Island County Shoreline Master Program and the Fish and Wildlife Element of the Critical Areas Ordinance.

Follow up: Okay with Board to schedule for action on December 7, 2009.

Subject: Land use & building permit fee schedules

Attachment: yes

Proposed Action: Bob Peterson reiterated that the purpose for the proposed increase in building permit and land use fees is to maintain and enhance existing levels of service, cost recovery for services provided and the development of a revenue stream for permit tracking software. An annual review of the fee schedule is planned to compare and align actual costs in conjunction with the annual budget process.

Based on 2009 land use permit values, projecting out through the end of the year, the addition of a 3% technology fee would generate approximately \$6700.00. With a 10% increase in building fees, based on 2009 permit levels, a 3% technology fee would generate approximately \$36,000.00. Those amounts plus the revenue generated from the fee increase should be enough to purchase the initial permit tracking software.

George Anne Sherry, Public Works, discussed with the Board how Public Works came up with their proposed increases to the land use permit fees.

Bob proposed the addition of a footnote on the land use fee schedule indicating that “after the fact permits are 2x the normal fee”.

The Board discussed the cost of appeals to the Hearing Examiner currently proposed at \$3490.00. Commissioner Dean & Commissioner Homola supported the County subsidizing half of that amount. Commissioner Price Johnson was in favor of the idea of a refund in the event a decision in favor of the appellant.

Follow up: Continue discussion to the December 9, 2009 work session.

Health Department
Summary Minutes

Work Session was held between the County Commissioners and the Health Department on Wednesday, December 2, 2009, at 1:06 p.m., in the Island County Annex Building, Commissioners’ Hearing Room, B-102, Coupeville, WA. Present were:

County Commissioners: John Dean, Chair
Helen Price Johnson, Member
Angie Homola, Member

Staff: Pam Dill

Staff Present: Keith Higman, Kerry Graves, Aaron Henderson, Suzanne Turner, Linda Telles

Others Present: Elaine Marlow

Note: The first Health Department Staff Session of the month is designated for informal discussion of Board of Health matters.

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(Record Part 21 @:30)

Administration

Subject: H1N1 Influenza – situation update and discussion of hand washing message

Attachment: none

Information: Keith provided the Board with an H1N1 Influenza activity update.

Subject: Health Officer Contract – Dr. Roger Case

Attachment: contract

Proposed Action: Contract with Dr. Roger Case to act as Island County Health Officer for 2010-2011. Keith proposed a 6% increase (3% per year) in Dr. Case's contract. Contract services for the term of the contract would maintain a cap of \$109,095.

Follow up: Okay with Board to move forward for signature, following legal and risk review.

Environmental Health

Subject: Environmental Health Fee schedule

Attachment: proposed changes

Proposed Action: As part of their 2010 budget proposal to the Board the Health Department included a 4% across the Board increase to the Environmental Health fee schedule.

Aaron briefed the Board on some additional proposed changes to General Administration, Liquid Waste, Food Activity, Living Environment, Solid Waste, Land Use and Drinking Water fees.

Commissioner Homola pointed out that the Planning Department has just added a 3% fee for technology to their building and land use fee schedules.

The Board agreed not to apply the 4% increase to the Inspection Review fee and keep it at \$62.00.

Follow up: Bring forward a draft with the addition of a 3% technology fee to the December 16, 2009 work session.

Subject: Contract with Whidbey Camano Land Trust – Strawberry Pt. Technical Services

Attachment: contract

Proposed Action: Contract Amendment with Whidbey Island Conservation District – Strawberry Point Technical Services. Contract amendment extends contract term to January 31, 2010 with no change to the amount. Contract No. RM-HLTH-09-0477, Amendment No. 1; Contract Amount \$52,500, Amendment Amount \$ -0-

Follow up: Okay with Board to move forward for signature, following legal and risk review.

Subject: Contract with Whidbey Island Conservation District – Strawberry Pt. Technical Services

Attachment: contract

Proposed Action: Contract Amendment with Whidbey Camano Land Trust – Strawberry Point Technical Services. Contract amendment extends contract term to January 31, 2010 with no change to the amount. Contract No. RM-HLTH-09-0476, Amendment No. 1; Contract Amount \$55,000, Amendment Amount \$ -0-

Follow up: Okay with Board to move forward for signature, following legal and risk review.

Community and Family Health

Subject: Community & Family Health Fee Schedule

Attachment: Proposed changes

Proposed Action:

Follow up:

Subject: Contract with Christopher Spitters M.D.

Attachment: contract

Proposed Action: Contract to provide professional TB consultation; Contract No. HD-14-09; Contract Period: 1/1/10-12/31/10; Contract Amount: Not to exceed \$10,000.

Follow up: Okay with Board to move forward for signature, following legal and risk review.

Subject: Contract with Opportunity Council – Early Learning Program

Attachment: contract

Proposed Action: Contract Amendment with Opportunity Council – Early Learning Program. Amendment provides funding to continue child behavior consultations and facilitates Baby Connections groups through 6/30/2010. Contract No. HD-09-09, Amendment No. 1; Contract Amount: \$19,377, Amendment Amount: \$11,385

Follow up: Okay with Board to move forward for signature, following legal and risk review.

Subject: Contract with Compass Health – Behavioral Health Specialist

Attachment: contract

Proposed Action: Contract for mental health practitioner required to provide the mental health component of the MSS program; Contract Period: 1/1/10-12/31/10; Contract No. HD-16-09; Contract Amount: Not to exceed \$13,000.

Follow up: Okay with Board to move forward for signature, following legal and risk review.

Subject: Contract with Island County Juvenile Court Services – Nursing Services

Attachment: yes

Proposed Action: Contract with Island County Juvenile Court Services – Nursing Services. Contract to provide nursing services in 2010 to the Island County Juvenile Detention facility. Contract No. HD-17-09; Contract Amount: \$22,000 (RM-HLTH-09-0500)

Follow up: Okay with Board to move forward for signature, following legal and risk review

Subject: Contract with Island County Sheriff's Office – Nursing Services

Attachment:

Proposed Action: Contract with Island County Sheriff's Office – Nursing Services. Contract to provide nursing services in 2010 to the Island County Jail. Contract No. HD-15-09; Contract Amount: \$55,000

Follow up: Okay with Board to move forward for signature, following legal and risk review.

Assessment

Subject: Contract with National Association of County & City Officials (NACCHO) – ACHIEVE (Action Communities for Health Innovation & Environmental Change)

Attachment: contract

Proposed Action: Contract with National Association of County & City Officials (NACCHO) – Action Communities for Health Innovation & Environmental Change (ACHIEVE). Funding to enable local communities to implement a community action plan to address chronic disease risk factors. Contract No. 2009-110506; Contract Amount: \$25,000 (RM-HLTH-09-0492)

Follow up: Okay with Board to move forward for signature, following legal and risk review.

Human Services Summary Minutes

Work Session was held between the County Commissioners and Human Services on Wednesday, December 2, 2009, at 1:50 p.m., in the Island County Annex Building, Commissioners' Hearing Room, B-102, Coupeville, WA. Present were:

County Commissioners: **John Dean, Chair** **Staff: Pam Dill**
 Helen Price Johnson, Member
 Angie Homola, Member

Staff Present: Jackie Henderson, Director, Beth Plush

Others Present: Elaine Marlow

(Record Part 2 @46:22)

Administration

Subject: Out-of-State Travel

Attachment: Memo dated 11/23/09 from Jackie Henderson, to BOCC

Proposed Action: Out-of-State Travel_request for county employee Sheila Weinsheimer,
School-

Based Mental Health Specialist to travel and attend a “Mean Girls II” seminar in Vancouver, BC.

Follow up: Okay with Board.

Mental Health

Subject: North Sound Mental Health Administration Contract

Attachment: contract

Proposed Action: Contract with North Sound Mental Health Administration. Biennium contract provides funding for administrative services in Island County. Contract No. NSMHA-ISLAND-ADMIN-2010; Contract Amount: \$51,318 (RM-HS-09-0475)

General Services Administration Summary Minutes

Work Session was held between the County Commissioners and General Services Administration on Wednesday, December 2, 2009, at 2:00 p.m., in the Island County Annex Building, Commissioners' Hearing Room, B-102, Coupeville, WA. Present were:

County Commissioners: John Dean, Chair
Helen Price Johnson, Member
Angie Homola, Member

Staff Present: Betty Kemp, Don Mason

Others Present: Elaine Marlow, Greg Banks

(Record part 2 @55:00)

Conservation Futures

Subject: Cooperative Agreement-WCLT-Ebeys Phase 3 Project

Attachment: Agreement

Proposed Action: Implementation and Cooperative Agreement with Whidbey Camano Land Trust for Ebey's

Reserve Farmland Phase 3 (Engle II) farmland protection program (RM-GSA-09-0407)

Waiver of Solicitation for the purpose entering into an Implementation and Cooperative Agreement for Ebey's Reserve Farmland-Phase 3 (Engle) with Whidbey Camano Land Trust.

Follow Up: Okay with Board.

Subject: WWRP Project Agreement

Attachment: Agreement

Proposed Action: Washington Wildlife & Recreation Program Project Agreement with WA State Recreation & Conservation Office for Ebey's Reserve Farmland Engle II securing funding for acquisition of a permanent agricultural conservation easement on 65 acres of prime farmland within Ebey's Reserve; Contract No.: 08-1860A; Amount: \$672,500.00 (RM-GSA-09-0406)

Follow Up: Okay with Board.

Property Management – Conservation Futures Fund

Subject: Hieb Transaction Amendment

Attachment: Memo dated 11/24/09 from Don Mason to Betty Kemp

Proposed Action: The Hieb Family Trust was notified on November 19, 2009 of the County's intent to pay off the promissory note and take possession of the property. The voucher should be before the Board on December 7, 2009.

Ms. Hieb requested to lease the property for more time as she did not want the extended family to have to move off the property during the holidays. The Purchase and Sale Agreement states on the issue of possession, "Seller may occupy until note is fully paid & Buyer gives Seller 30 days notice prior to final payment." Betty has been advised that they are unable to change the Purchase and Sale Agreement because it is a closed and records real property transaction. Therefore, the only way to lease the property back to the Hieb Family Trust is to comply with RCW 36.34.140 through 36.34.200.

Follow Up: Per the Board's request, Don will provide Ms. Hieb with a 30 day notice on December 18, 2009.

Public Defense

Subject: OPD Caseload Statistics

Attachment: Memo dated 11/17/09 from Don Mason, to Betty Kemp

Information: Don provided the Board with the summary statistics for the County's primary contract provider's caseloads and comparison against the caseload standards. All of these statistics are document cases where a notice of appearance was filed as defined by the BAR Association's standards.

Greg Banks indicated that he had serious concern with the caseloads. The Public Defender reports that year to date in the 2009 calendar year, one attorney has handled 200 juvenile offender cases. The only person that can file a juvenile offender case is the County Prosecutor and the Prosecutor's Office has filed year to date 133 juvenile offender cases.

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Follow up: Okay with Board.

DEM

Subject: Comprehensive Emergency Management Plan

Attachment: Memorandum dated 11/18/09 from Dave Hollett to BOCC

Proposed Action: DEM requests Board approval of revised Island County Comprehensive Emergency Management Plan (CEMP). The State requires that a completely revised CEMP be submitted for review and approval every four years. DEM will draft a resolution and route through legal review.

Follow up: Okay with Board to move forward with resolution to adopt revised CEMP.

Prosecuting Attorney
Summary Minutes

Work Session was held between the County Commissioners and Prosecutor on Wednesday, December 2, 2009, at 2:50 p.m., in the Island County Annex Building, Commissioners' Hearing Room, B-102, Coupeville, WA. Present were:

County Commissioners: John Dean, Chair
Helen Price Johnson, Member
Angie Homola, Member

Staff: Pam Dill

Staff Present: Greg Banks, Colleen Kenimond, Kelly Mauck, Wylie Farr

Others Present: Elaine Marlow

(Record Part 2 @ 1:44:31)

Subject: Misc

Attachment: none

Information: Greg reported that caseloads were still down for the year. DUI's have been holding pretty steady since 2006 at about 400 a year. He projected 382 DUI cases this year. Juvenile case loads are increasing which seems to be a nationwide trend.

Budget Director
Summary Minutes

Work Session was held between the County Commissioners and the Budget Director on Wednesday, December 2, 2009, at 2:54 p.m., in the Island County Annex Building, Commissioners' Hearing Room, B-102, Coupeville, WA. Present were:

County Commissioners: John Dean, Chair
Helen Price Johnson, Member
Angie Homola, Member

Staff: Pam Dill

Staff Present: Elaine Marlow, Budget Director

Others Present: Greg Banks, Chet Ross

(Record Part 2 @ 1:48:50)

Subject: District court

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Attachments: yes

Proposed Action: The City of Oak Harbor is reconsidering its intention to leave Oak Harbor District Court. The City of Oak Harbor has requested the County reconsider its policy of charging rent as part of the costs of operating the City's municipal court.

In 2008, Elaine was asked by Commissioner McDowell to review the total building costs attributed to the construction and maintenance of the District Court. Elaine estimated that the total rent paid by the City was slightly less than a 25% share of the total building costs. The City currently pays 22% of the operating cost which was determined by a formula that looked at recent years case loads.

Elaine proposed the County either charge the City the true cost of operating the building or an indirect cost recovery rate. Currently, the City does not share in any of the indirect costs attributable to operation of District Court, such as IT, insurance, and time spent by employees in the Auditor's and Treasurer's office, etc.

The County's indirect rate as calculated by the Auditor's office for grants is currently 12% of salaries and benefits. The City requests a response by Friday, December 4, 2010.

Follow-up: Elaine will let the City of Oak Harbor know that the Board needs more time to consider the City's proposal to enter into a new municipal court agreement and make arrangements to meet with representatives from the City of Oak Harbor, Judge Strow and Maggie Paczkowski to discuss how the County and City might come to agreement about the rent charged the City as part of the District Court Interlocal.

Subject: Draft Interlocal Agreement with Freeland Water & Sewer District

Attachment: Memorandum dated 11/24/09 from Elaine Marlow to BOCC and draft Interlocal

Proposed Action: In January 2009 the County approved an award of Rural County Economic Development Fund in the amount of \$2.5 million to the Freeland Water & Sewer District. The District is in the process of purchasing acreage for the project and is planning to use a portion of the \$2.5 million to pay for the land. In order to actually receive the monies from the County, the County and the District must enter into an Interlocal Agreement.

Follow up: The Board approved moving the Interlocal agreement forward through contract review.

Subject: USDA Rural Utilities Services (RUS) Loan and Grant of the American Recovery and Reinvestment Act (ARRA) Program

Attachment: yes

Proposed Action: Letter to Nolen Knickerbocker, President Freeland Water and Sewer District in support of USDA Rural Utilities Services (RUS) Loan and Grant of the American Recovery and Reinvestment Act (ARRA)

Follow up: Okay with Board.

Subject: Consider applicants for vacancies on boards/committees

Attachment: yes

Proposed Action:

Consider applicants for a vacancy on the Island County Fair Association Board of Directors within the boundaries of the Coupeville School District. The opening occurred due to the expiration of Leandra Reuble's term and she is the only person to apply. – The Board approved moving forward with a recommendation Monday, December 7, 2009.

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Consider applicants for a vacancy on the Lodging Tax Advisory Committee representing a business subject to the tax. The current opening occurred upon the resignation of Richard Soto, owner of the Harbor Inn Motel. No one has applied for this position.

Consider applicants for vacancies on the Conservation Futures Citizens Advisory Board (CAB). Vacant positions are for a representative living within each of the three school districts, two members from Camano Island, one member from the City of Langley, one member from the Town of Coupeville and one member representing the Island County Parks Board. The three school district positions have been vacant for an extended period of time. The terms of the incorporated area positions and Camano Island members have expired. – The Board approved moving forward with recommendations for the vacancies for a representative living within the boundaries of the South Whidbey School District, the incorporated area of Langley, and Camano Island. (Confirm that no member has served more than two consecutive full terms unless deemed advantageous to do so by majority of CAB members and BOCC.) Re-advertise for the Coupeville and Oak Harbor School District positions and the Town of Coupeville position.

Chairman's Agenda
Summary Minutes

The County Commissioners met during Chairman's portion of Work Session on Wednesday, December 2, 2009, at 4:06 p.m., in the Island County Annex Building, Commissioners' Hearing Room, B-102, Coupeville, WA.

Present were:

County Commissioners: John Dean, Chair
Helen Price Johnson, Member
Angie Homola, Member

Staff: Pam Dill

Staff Present: Elaine Marlow, Larry Larson

Others Present: Ralph Ferguson

(Record Part 3 @:07)

Subject: Juniper Beach Water Association concerns

Attachments: none

Discussion: Ralph Ferguson expressed his concerns over the removal of dikes by Snohomish County protecting the farmland along the northeastern portion of Camano Island. The elimination of the dikes would allow seawater intrusion and harm Camano's underground aquifers. He requested the Board's support in encouraging Snohomish County to require the Department of Fish and Wildlife to perform a through Environmental Impact Statement and comply with environmental requirements.

Follow-up: Commissioner Dean will draft a letter to the Snohomish County Council addressing Mr. Ferguson's concerns and present it to his fellow Board members for approval.

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BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

Helen Price Johnson, Chair

Angie Homola, Member

John Dean, Member

ATTEST:

Elaine Marlow, Clerk of the Board